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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL HENRY, on behalf of
himself, all others similarly situated,
and the general public,

Plaintiff,

vs.

HOME DEPOT U.S.A., INC., a
Delaware corporation; and DOES 1-
50, inclusive,

Defendants.

Case No. C 14-04858 JST

[Assigned to the Honorable Jon S. Tigar
for All Purposes]

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE
MEDIATION DEADLINE**

1 Plaintiff Michael Henry ("Plaintiff") and defendant Home Depot U.S.A., Inc.
2 ("Defendant"), by and through their undersigned counsel of record, stipulate and
3 represent as follows:

4 1. In the February 12, 2015 Scheduling Order, the Court set a deadline of
5 November 20, 2015 for the parties to participate in mediation.

6 2. The parties have discussed mediation and have agreed on potential
7 mediators, but they have not been able to agree on a date. Plaintiff expressed his desire
8 to proceed with mediation before the November 20 deadline, but defendant believes the
9 process will be more productive if it occurs after the Court's ruling on defendant's
10 pending motion for partial summary judgment as to plaintiff's unpaid overtime claim.
11 The hearing date for that motion was continued to allow plaintiff to conduct discovery,
12 and is currently scheduled for December 10, 2015.

13 3. Particularly with the upcoming holidays, and the difficulty in scheduling
14 the mediators that the parties have agreed to use, the parties believe they will need an
15 additional 120 days to complete mediation, including additional discovery the parties
16 may need to conduct in advance of the mediation.

17 4. The parties have not previously requested a continuance of the mediation
18 date.

19 NOW, THEREFORE, plaintiff and defendant hereby stipulate and agree as
20 follows:

21 1. That the deadline for completing mediation, currently November 20, 2015
22 be continued to March 18, 2016.

23
24 Dated: November 19, 2015 AKIN GUMP STRAUSS HAUER & FELD, LLP

25
26 By /s/ Donna M. Mezias

27 Donna M. Mezias
28 Attorneys for Defendant Home Depot U.S.A., Inc.

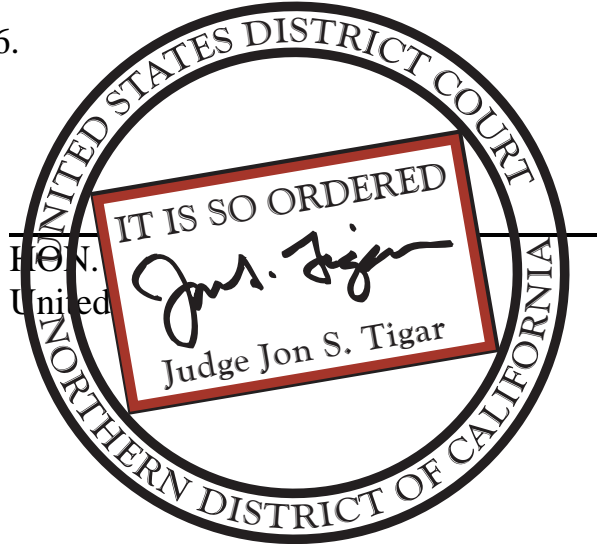
1 Dated: November 19, 2015 SETAREH LAW GROUP

2
3 By /S/ Shaun Setareh

4 Shaun Setareh
5 Attorneys for Plaintiff Michael Henry

6 **IT IS HEREBY ORDERED** that the deadline for completing mediation in this
7 matter shall be continued to March 18, 2016.

8
9 Dated: November 23, 2015



CERTIFICATE OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is: 580 California Street, Suite 1500, San Francisco, California 94104. On November 19, 2015, I served the foregoing document(s) described as: **STIPULATION AND [PROPOSED] ORDER TO CONTINUE MEDIATION DEADLINE**, on the interested party(ies) below, using the following means:

All parties identified for Notice of Electronic Filing generated by the Court's CM/ECF system under the referenced case caption and number

☒ BY ELECTRONIC MAIL OR ELECTRONIC TRANSMISSION. Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent to the respective e-mail address(es) of the party(ies) as stated above.

☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on November 19, 2015, at San Francisco, California.

Jeremias V. Cordero

[Print Name of Person Executing Proof]

[Signature]